

Message Text

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PAGE 01 STATE 210890

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FM SECSTATE WASHDC

TO AMEMBASSY OSLO

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E.O. 11652: N/A

TAGS:OCLR, EWWT, PLOS, NO

SUBJECT: PORT CLEARANCE FOR MOBILE SEISMIC SHIP

REF: (A) STATE 202133 (B) OSLO 4027

1. NORWEGIAN ROYAL RESOLUTION OF FEBRUARY 9, 1968, PARA 8A, CERTAINLY SHOULD EXEMPT THE MOBILE MOORE FROM DIPLOMATIC PORT CALL REQUIREMENTS; THAT IS, QUOTE "FOREIGN NON-MILITARY VESSELS TRADING FOR PROFIT OR ENGAGED IN COMMERCIAL JUSTIFIED ACTIVITY" UNQUOTE. THE MOORE IS IN FACT A PRIVATE RESEARCH VESSEL UNDERTAKING A SEISMIC RESEARCH SURVEY FOR COMMERCIAL GAIN.

2. REFTTEL B PARA 3 STATED THAT THE SAME FOREIGN MINISTRY CONTACT WAS APPROACHED FOR THE MOORE CLEARANCE THAT PROCESSED THE CLEARANCE FOR THE STATE VICTORY. THE STATE VICTORY WAS CONDUCTING OPERATIONS IN A RESTRICTED AREA WHICH MAY HAVE RESULTED IN THE GON REQUIRING USE OF DIP-
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PAGE 02 STATE 210890

LOMATIC CHANNELS FOR THE PORT CALL CLEARANCE. HOWEVER,

THE MOORE IS CONDUCTING ITS ACTIVITY OVER AN UNRESTRICTED AREA WHICH HAS BEEN LEASED FROM THE GON FOR OIL EXPLORATION. THEREFORE, IT APPEARS THAT THE COMPARISON OF THE STATE VICTORY PORT CALL CLEARANCE TO THAT OF THE MOORE'S IS NOT REPEAT NOT VALID.

3. GUIDANCE CONCERNING THE US POLICY FOR PUBLIC AND PRIVATE VESSELS REGARDING REQUIREMENTS FOR USING DIPLOMATIC CHANNELS FOR PORT CALLS IS ADEQUATELY DESCRIBED IN REFTEL (A). IN THIS CASE, THE DEPARTMENT WOULD RECOMMEND MAKING ANOTHER APPROACH TO THE FOREIGN MINISTRY CONTACT AND IF UNSUCCESSFUL THEN IT SHOULD BE ELEVATED TO A HIGHER LEVEL. IT APPEARS THAT THE CONTACT MAY BE MISINTERPRETING THE GON REGULATIONS. THE ASSISTANCE OF THE NORWEGIAN NAVY SOURCE MIGHT BE ENLISTED AS HIS VIEWS ARE IN LINE WITH THAT OF THE US, THE US INTERPRETATION OF THE NORWEGIAN RESOLUTION AND STANDARD INTERNATIONAL PRACTICE. EVEN THOUGH THE MOORE HAS RECEIVED PROVISIONAL CLEARANCE TO ENTER PORT, THIS MATTER SHOULD BE RESOLVED AS THE US DOES NOT CONSIDER THE PRESENT GON ACTION--REQUIRING DIPLOMATIC CLEARANCE--CONSISTENT WITH U.S. POLICY AND IN ADDITION, THE US DOES NOT REPEAT NOT WANT THE PROVISIONAL CLEARANCE TO ESTABLISH PRECEDENT. IF THE SHIP DOES ENTER PORT UNDER THE PROVISIONAL CLEARANCE IT SHOULD BE MADE CLEAR TO THE GON THAT IT WAS A "ONE TIME ONLY" ACTION WHICH WAS USED BY THE EMBASSY TO ASSIST A US FLAG VESSEL WHICH WAS THE VICTIM OF AN UNRESOLVED PREDICAMENT. THE DEPARTMENT FULLY HOPES THAT THE SITUATION CAN BE RESOLVED BEFORE THE MOORE WILL BE REQUIRED TO USE THE PROVISIONAL CLEARANCE. KISSINGER

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